



PURSUANT to URCrP, Rule 16(e)
and UCS §77-38-6, the victim(s)
and witnesses' identifying
information has been redacted
from the enclosed documents.

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Force Investigation Team Report Officer-Involved Shooting

Incident: Officer-Involved Shooting-Fatal

Agency(s) Involved: Ogden Police Department

Relevant case numbers: 23G80076, CSI 23CS1284, ME 202303288

Date of Incident: Nov 5, 2023

Time of Incident: 01:22

Location of Incident: , Ogden Utah

FIT Lead Investigator: Investigator Steve Zaccardi

Involved Officer(s): Katelyn Abrego, Bradyn Cufau, Miguel Ruiz,
Dylan Aeschlimann, Brittany Bourne, Tyler Griffin, Anthony Sanchez.

Involved subject(s): Matias Yosino 3/5/2003

Introduction

On November 5, 2023, the Ogden Police Department reported that there had been an officer-involved shooting, which involved seven of their officers. The Weber County OIS protocol was initiated.

Officer-involved shooting investigations are the responsibility of the Weber County Attorney Force Investigation Team. (FIT) The information contained in this document is a summary of the complete investigation conducted by the WCAO FIT with assistance from investigators with the Weber County Homicide Task Force (HTF). The following investigators worked on the case with a summary of their assignments.

Lead Investigator: Steve Zaccardi, WCAO FIT

Bullet count/canvas: Cameron Hartman, WCAO FIT

Summary

On November 5, 2023, at approximately 0121 hrs, the Ogden Police Department received a 911 call from Mahteah Yosino reporting that her brother Matias Yasino had a gun and was making threats toward her and her girlfriend. It was later learned that Matias had become intoxicated and had gotten into a verbal argument with Mahteah over ongoing relationship issues. This argument escalated when Matias retrieved a handgun from his bedroom and threatened Mahteah with it.

Police responded to the scene, where they confronted Matias coming out of his home. Matias was armed with what appeared to be a handgun. Seven police officers from Ogden City Police were present at the scene, all yelling commands at Matias to put the gun down. Matias ignored these commands, told officers to shoot him, and pointed his weapon at the officers. All seven officers discharged their firearms in the direction of Matias, striking him. Matias was pronounced dead at the scene.

Matias Yosino

Matias Yosino was . He was not married and had no children. He lived with his mother Gloria Yosino at .



Criminal history

- Matias was arrested in 2021 for Aggravated Assault, Felony discharge of a firearm, criminal mischief, and intoxication. He pled guilty to Aggravated Assault and possession of a firearm by a restricted person, the remaining charges were dismissed.
- Matias had been arrested in Jan of 2023 for possession of a dangerous weapon by a restricted person and retail theft. He pled guilty to possession of the firearm by a restricted person, the retail theft was dismissed.
- He had numerous juvenile cases in addition.

Witness statements

Gloria Yosino statement

Gloria is Matias's mother and was living with him at the time of this incident. She was also in her house when this incident occurred. Gloria did not want to speak to investigators the night of the incident because she was still too distraught. I was able to speak with her a few days later. This conversation was audio recorded; the following is a summary of that interview.

Gloria said that her daughter Mahteah who currently lives with her grandparents in Sandy would frequently come to Ogden and stay with her. She and Mahteah have a contentious relationship over some past dealings. Gloria has accused Mahteah of stealing from her in the past. According to Gloria, Mahteah has a similar relationship with her brother Matias. The day before this incident, Mahteah and her girlfriend Sara had come to the house, with Sara sneaking into the house without Gloria knowing. In September of 2023, there was a violent incident between Sara, Mahteah, and Gloria that resulted in Sara getting charged with assault and criminal trespass.

Matias' friend Max Pederson was also temporarily staying at the home. On this night, Matias had become intoxicated and had gotten into an argument with Mahteah. Gloria did not hide the fact that she believed Mahteah was the reason Matias had a mental breakdown, and believed she was also the reason Matias had walked out of the residence with a handgun to confront police. As for what transpired inside the home, Gloria claims to have been in the kitchen area of the house and did not see anything.

Mahteah Yosino

As described in the earlier paragraph Mahteah was at the home when this incident happened. She declined to speak with investigators; however, we can gain some insight into the incident through her 911 call. In that call, she told the police dispatcher that her brother came home drunk and kept getting into her face, so she kicked him out of her room. He returned to his room and got his gun. He was waving it around making threats. Matias told her that if she called the police he would "handle it himself and take himself out." On the 911 call, Mahteah told the dispatcher that she thought the gun was a .45 caliber. In listening to the 911 call, Matias could be heard in the background yelling, "Did you call them?" Mahteah said no, and Matias said "Why? I want to die, I want to fucking die!" "You are the one who always told me to kill myself!" "You are fucking poison!" Matias was banging something and then yelled "You are crazy, but I know that I am not!" "You made me like this, this is your fault!" Matias then went outside where he was confronted by police.

Sara Brinkley

Sara provided a statement to the police. This interview was audio recorded; the following is a summary of that interview. Sara said that Matias had left earlier in the evening to go be with some friends. She and Mahteah had fallen asleep around 10 pm. Around 1 am, Matias came "busting" into the door, not angry but more annoyed announcing that he was drunk. This made Mahteah angry so she kicked him out and slammed the door. This caused the situation to escalate with Matias going into his room getting his gun coming back and forcing his way into the room. Matias was calling Mahteah a "bitch", and calling Sara a "little slut." Sara said that Matias then hit her. That is when they decided to call the police. Sara said that she and Mahteah were outside when they heard the police arrive. They heard the police say "Put the gun down!" at least two times before shots were fired. Sara said at the time she thought Matias had fired his gun toward police.

Max Pedersen

Max Pedersen, whose biological name is Melia Pedersen, had been staying at the house, but was not at the house during the shooting. I was able to meet up with Max a few days later. This interview was audio recorded; the following is a summary of that conversation. Max was at the house when Matias left. When Matias came back he was highly intoxicated but in a good mood.

Max said Matias went to talk to his sister and that is when “he snapped.” The two were yelling about some family issues that he was not familiar with. Max said that Matias was, “going nuts, punching the walls.” Max did not know Matias had any guns. When they were, outside Matias knew the police had been called and he was saying he was not going down without a fight. Max did not want to see what was going to happen so he left before the police showed up. It was reported that Max had only known Matias for about a month.

Police Officers

The call was dispatched as a man with a gun call, and several officers responded. When the first officer arrived he observed Matias with what appeared to be a gun in his hands, they requested backup officers to hurry up their response to the scene. Only one individual officer, Miguel Ruiz agreed to meet with investigators and discuss what happened. The other six officers refused a request to provide information to this investigation. The following are observations made from watching body camera footage. Because the officers refused to provide any information, investigators are left to make assumptions based on our observations and our own experience in similar situations.

Officer Anthony Sanchez



Officer Sanchez was in full uniform and appeared to be the first to arrive on the scene. He parked his patrol vehicle quite a distance away from the address, so he walked into the area on foot. He had his patrol rifle as his primary weapon. Sanchez first encountered Matias, while Matias was near the front door of his residence. Sanchez was west of the house on the street just east of the corner. Officer Sanchez saw Matias near the home because he commanded him to show his hands. On the body camera footage, Matias is not visible but could be audibly heard on the recording. When Sanchez gave the command, Matias asked, “Who is that?” Sanchez says, “Ogden City Police, show me your hands.” Followed by “Stop, show me your hands!” Sanchez then gives a warning “You are going to get shot!” Matias who is still off camera screen can be heard saying, “Give it to me mother fucker!”

As other officers begin to arrive, Sanchez tells one of the officers, “I can’t tell what is in his hands, he is pointing it!” Matias could be heard saying, “Fuck it I am ready!” After several commands to drop the weapon from several officers, a shot was fired, followed by Sanchez firing his duty weapon. During this volley of fire, Officer Sanchez fired his .223 rifle. A bullet count was done on Sanchez’s weapon. One cartridge was in the chamber with twenty four (24) cartridges in the magazine. It appears that Sanchez possibly fired 3 times. This count was complicated because Sanchez refused to answer how many rounds he normally carries in this weapon, so investigators have to speculate based on the “normal” carry procedure.

In the photo below, Matias is circled in red and can be seen pointing something in the direction of other responding officers.



Officer Brittany Bourne



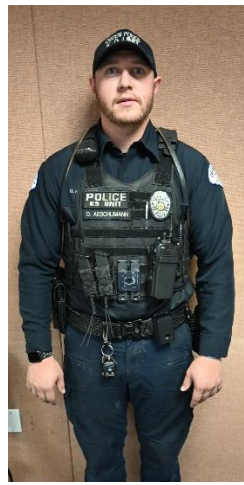
Officer Brittany Bourne was in full police uniform and arrived in a marked patrol car. She appears to be the second officer who arrives. She runs up near Officer Sanchez by the tree. Officer Bourne sees Matias with a gun because she announces to Sanchez, “He has a gun, I am shooting!” However, she does not fire at that moment but gives Matias a second command to drop the gun.

She eventually fires her handgun around the same time that other officers near her do. Officer Bourne refused to speak with investigators about what she saw or did in this incident.

Due to this, there are things investigators are left to speculate about. A bullet count was done on Bourne's handgun. There was one cartridge in the chamber with ten (10) cartridges in the magazine. It appears that Bourne fired seven (7) times. Below is a photo from Bourne's body camera, which shows Matias in a shooting stance pointing the weapon.



Officer Dylan Aeschliman



Officer Aeschliman was in full police uniform, and was driving a marked patrol car. It appears that he is third on the scene. He is in a marked patrol car with his emergency lights activated. On the body camera footage, Aeschliman exits his vehicle but the sound is not activated. He moves to the rear of his patrol vehicle. Matias is not visible on the camera due to the vehicle being in the way, and the audio is not active either. Officer Aeschliman is standing to the right of the other two officers listed above. In the video, smoke can be seen coming from Aeschliman's firearm around the same time as the other officers are firing. This would indicate that Officer Aeschliman fired his weapon. He also told his superior officers with the Ogden Police that he fired his weapon. He refused to speak with investigators about what he saw or did in this incident. Due to this, there are so some things investigators are left to speculate about. A bullet

count was done on Aeschliman's weapon. There was one cartridge in the chamber with eleven (11) cartridges in the magazine. It appears that Aeschliman fired six (6) times.

Below is a screenshot from Aeschliman's body camera as the officers are walking up to Matias after he was shot. It clearly shows Matias' gun on the ground next to his body. It also shows the body position of Matias before he was handcuffed.



Officer Katelyn Abrego



Officer Katelyn Abrego was in full police uniform and was driving a marked patrol car. She appears to be the next officer to arrive. Officer Abrego tells Matias to drop the gun two different times. Officer Cufau de comes up beside her and she tells him "He has a gun." The body camera did show Matias because Abrego was standing behind a police vehicle. Abrego fires her weapon around the same time as the others do. She refused to speak with investigators about what she saw or did in this incident. Due to this, there are so some things investigators are left to speculate about. A bullet count was done on Abrego's handgun. There was one cartridge in the chamber with thirteen (13) cartridges in the magazine. It appears that Abrego fired four (4) times.

Officer Miguel Ruiz



Officer Miguel Ruiz was in full police uniform and was driving a marked patrol car. He appears to arrive right after Officer Abrego. On body camera Officer Ruiz runs up to the other officers and appears to see Matias pointing the gun in his direction because he says aloud! “Oh shit!” and at the same time is ducking behind a police vehicle. Matias cannot be seen on the video because of Ruiz’s position behind the car. Ruiz was however willing to provide a statement to investigators on what he saw and did. A bullet count was done on Ruiz’s handgun. There was one cartridge in the chamber with sixteen (16) cartridges in the magazine. It appears that Ruiz fired one (1) round.

Statement

On November 20, 2023, Officer Ruiz came into the Weber County Attorney’s Office accompanied by his FOP Attorney. The interview was recorded, and the following is a summary of that conversation.

Ruiz was on a separate call when this incident came in. This particular address is in Ruiz’s assigned patrol area; however, because he was assigned to another incident at the time he was not dispatched to it. As the call was coming in, the dispatcher was updating the responding units with information being gathered from the 911 call. The dispatcher was providing information to the officers that at this residence there was a disturbance involving a man with a gun. Ruiz said he finished what he was doing and decided to head in that direction. As Ruiz got into the neighborhood, he heard another Officer who was already on scene announce “expedite!” on the radio. As he arrived at the scene, he saw other officer’s already there. He said he was not sure what the other officers were encountering, if they were fighting someone or what exactly what the situation was. As Ruiz arrived at the scene, he exited his car and saw Matias in the roadway pointing a gun at him. Ruiz said he thought, “Oh crap!” and ducked behind a police vehicle. Ruiz

said that when he saw the gun being pointed at him he had a weird sensation that he was expecting to be hit by a bullet.

Ruiz got behind cover, removed the handgun from his holster, took a quick peek around the car, and saw Matias still holding the gun but now it was pointed at other officers. He then heard a gunshot and thought Matias was the one firing, so he returned fire. He fired once and saw Matias fall to the ground.

During the question and answering portion of the interview, Ruiz said that he feared for his life and the lives of his fellow officers, and he believed that he needed to take deadly force action to prevent one of his fellow officers from being shot or killed.

Officer Tyler Griffin



Officer Tyler Griffin was in full police uniform and was driving a marked patrol vehicle. Griffin had not activate his body camera until well after the incident was over. He refused to provide a statement to investigators about what he saw, heard or said. Due to this, there are some things investigators are left to speculate about. It is undetermined when he arrived on the scene compared to the other officers. It can assume based on the proximity of the shell casings that he was standing near the other officers when he fired. Another assumption is he saw Matias holding the firearm in the street pointing at officers. This information is clear from other videos and the statement of Officer Ruiz. However, we are left to speculate about the rest. He told other officers that he had fired his .223 caliber patrol rifle. A bullet count was conducted on his rifle. There was one cartridge in the chamber with twenty-four (24) cartridges in the magazine. It appears as if he fired three (3) times.

Officer Bradyn Cufaude

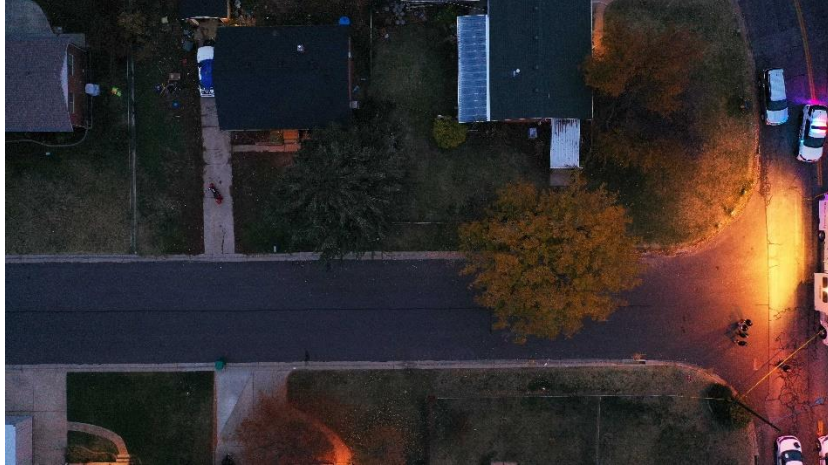


Officer Bradyn Cufaude was in full police uniform and arrived at the scene in a marked patrol car; however, he parked away from the scene and ran in on foot. He was the last to arrive based on his body camera footage. He ran up behind Officer Abrego and asked, "Does he have a gun?" Abrego said "Yes." Officer Cufaude clarifies, "That is a gun?" To which Abrego responds, "Yes." It appears that Cufaude then fires his weapon. Officer Cufaude refused to provide a statement to investigators on what he saw or heard. Due to this, there are so some things investigators are left to speculate about. A bullet count was conducted on Cufaude's handgun. There was one cartridge in the chamber and thirteen (13) cartridges in the magazine. It appears that he fired four (4) times.

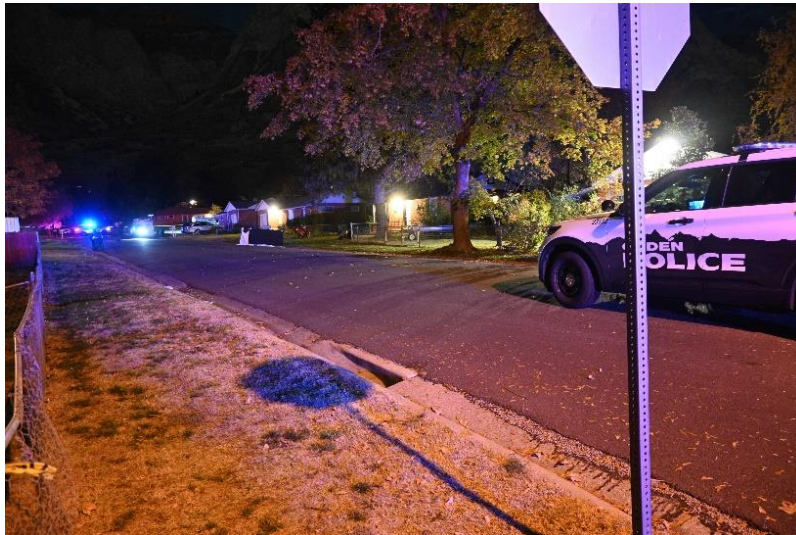
Firearms

All the firearms in this incident were test-fired by CSI Romney and released back to the agency. The test fires were done to obtain fired shell casings that could be linked back to the particular firearm if that becomes necessary in the future. Investigators saw no evidentiary value of further testing. See CSI Romney's report for further details.

Crime Scene



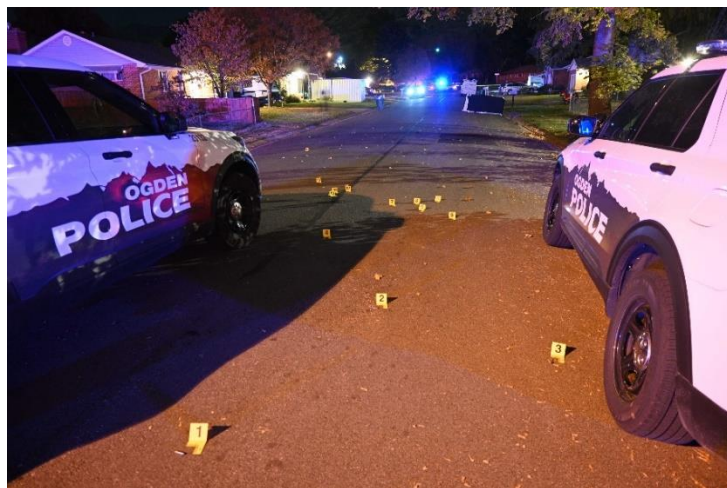
Overhead photo of the crime scene. For reference, Matias' mother Gloria owns the second house from the corner.



View from street level. The sheet in the roadway in the background is where the body of Matias was located. The tree in front of the police car, to the right of the photo on the grass strip is the tree that two officers were behind and fired from.



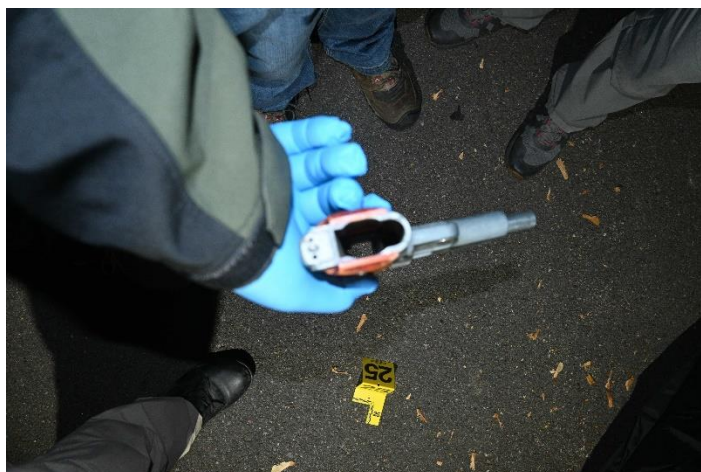
Yellow markers between cars are there to show the locations of shell casings.



This photo shows the metal plate that was worn by Matias. Matias' family said that he had manufactured it from street signs and was used as a Halloween costume.

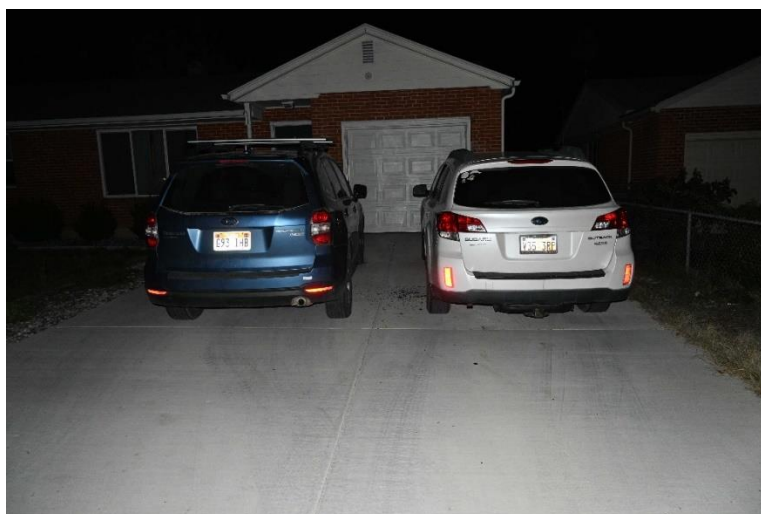


The weapon that was found next to Matias' body. Investigators believed it to be a real firearm until it was examined further. It turned out to be some type of pellet gun or airsoft gun.





A house located east of Matias' residence. The garage door of this home was struck by gunfire. Contact was made with the homeowner with instructions to contact Ogden City risk management.



These two vehicles were east of the shooting location, and next to the house that was struck by bullets. Contact was made with the homeowner with instructions to contact Ogden City risk management.



Scans

Weber County CSI did a full Faro 3D scan of the crime scene. The Faro scanner documents the scene in a 3D format. It also takes precise measurements of the scene. The following distances are the most relevant to this case.

51.14 feet (approx. 15 yards) from the body to the tree where two officers fired.

90.280 feet (approx. 30 yards) from the body to the police car where the remaining five officers fired.

Medical Examiner

On November 5, 2023, Dr. Kacy Krehbiel performed an autopsy on Matias Yosino at the Office of the Medical Examiner in Salt Lake City.

The autopsy findings are as follows:

Manner of Death: Homicide

Cause of Death: Multiple gunshot wounds

Multiple gunshot wounds

- a. Gunshot wound of the head with injuries to the skull and brain
- b. Gunshot wound of the chest with injuries to the heart and right lung
- c. Gunshot wound of the chest with injuries to the heart, esophagus, aorta, and spine
- d. Gunshot wound of the torso with injuries to the spleen, colon, diaphragm, liver, and right lung
- e. Gunshot wound to left upper torso with injury to soft tissue only
- f. Gunshot wound of lower back with injury to spine
- g. Gunshot wound of right wrist
- h. Gunshot wound of left hand
- i. Gunshot wound of left thigh
- j. Gunshot wound of left calf

Toxicology Results

Ethanol .228

Conclusion

On November 5, 2023, officers from the Ogden City Police Department responded to a man with a gun call at _____, Ogden Utah. At that location, Matias Yosino had been at his home along with his friend Max Pederson, his mother Gloria Yosino, his sister Mahteah Yosino and her friend Sara Brinkley. Mahteah and Sara were not supposed to be at the residence because of past domestic issues within the family. Gloria knew that Mahteah was at the home, but Sara had entered the house through a bedroom window. Max was temporarily staying at the home and was in the bedroom of Matias. Matias left the residence for some time. When he returned according to witnesses he was, “highly intoxicated.” There is also evidence of this in the ME report where his blood alcohol level came back at .228 BAC. He became involved in a verbal altercation with Mahteah and Sara. This escalated when Matias retrieved what Mahteah and Sara both thought was a handgun. He pointed it at both of them while at the same time called them derogatory names. Matias told them both that he was going to “take himself out” when the police showed up. Both women said they believed that he was going to make the police shoot him.

In the recording of the 911 call Matias can be overheard asking if, “they have been called.” Presumably, he is referring to the police. He also says several times that he, “Wants to die.” He is very agitated on this call.

Only one officer was willing to explain what happened from his perspective. Much of what is known in the case was gleaned from the body camera footage. The first officer to arrive Officer Sanchez approached on foot and was first to confront Matias as he was coming out of his house. In the camera footage, Matias raises his replica weapon and points it in the direction of Sanchez. When Officer Bourne arrived, Sanchez verbalized to her that he could not tell what was in Matias’ hand. Both officers were located behind a tree on the grass strip approximately 15 yards from Matias who was standing in the middle of the roadway. At one point Bourne verbalized, she saw Matias with a gun in his hand and that she was going to shoot. She appears to raise her weapon but does not fire at that moment.

The remaining five officers arrived at the scene and stopped their vehicles near the intersection. They all took up positions of cover behind their vehicles. The remaining officers were close to each other, and they all appeared to be yelling commands for Matias to drop his weapon. Officer Griffin did not activate his body camera, so it is unclear what he saw, heard, or said. Officer Aeschliman had his body camera muted and was standing behind cover so it is unclear exactly what he saw, heard, or said as well. However, due to the proximity of these two officers to the remaining officers and the fact that Matias was standing in the middle of the street fully illuminated by the flashlights, and vehicle headlights, it is reasonably safe to assume that they saw and heard the same things as the other officers. It appears that Officer Cufaude arrived last. He comes up next to Officer Abrego who tells him that Matias has a gun. Cufaude confirms with Abrego what she is seeing by asking, “That is a gun?” She responds, “Yes.” Then the first shot was fired, followed by the officers subsequently all fire rounds at Matias Yosino.

In his interview Officer Miguel Ruiz, said that he heard over the police radio officers asking for backup. He said when he arrived he did not know exactly what the situation was. As he exited his vehicle, he observed Matias standing in the street pointing the weapon at him. He immediately took cover. He was trying to see where Matias was when he heard a gunshot. He believed that Matias had fired the first round, so he returned fire. He saw Matias fall to the ground so he stopped firing. Officer Ruiz stated that he believed that his fellow officer's lives were in danger of death or serious bodily injury and that is why he discharged his firearm.

Twenty-eight (28) rounds were fired from officers. Six (6) .223 rifle rounds and twenty-two (22) pistol rounds. Ten (10) rounds struck Matias.

Matias can be heard on the video saying, “Go ahead I am ready.” Not once during the confrontation does Matias lower his weapon, or comply with any commands from the officers.

Based on the video evidence it is clear that Matias is in a shooting stance and is pointing his weapon at the officers. The weapon was believed to be a .45 caliber handgun even to investigators at the scene. It was not until close examination did investigators learn that it was a replica and unable to fire.

All of the information in this report and supporting documents should be considered when determining if the officers listed in this report were justified in using deadly force against Matias Yosino.

Steve Zaccardi
Chief Criminal Investigator
Force Investigations/Homicide Task Force



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March 4, 2024

Chief Eric Young
Ogden Police Department
2186 Lincoln Ave.
Ogden, Utah 84401

RE: OFFICER-INVOLVED SHOOTING; OFFICERS KATELYN ABREGO,
BRADYN CUFAUDE, MIGUEL RUIZ, DYLAN AESCHLIMANN,
BRITTANY BOURNE, TYLER GRIFFIN, ANTHONY SANCHEZ

Dear Chief Young:

Chief Investigator Steve Zaccardi, with assistance from investigators with the Weber County Force Investigation Team and the Weber County Homicide Task Force, has completed the investigation of the officer-involved shooting involving officers Katelyn Abrego, Bradyn Cufau, Miguel Ruiz, Dylan Aeschlimann, Brittany Bourne, Tyler Griffin, and Anthony Sanchez. The incident occurred at approximately at [REDACTED]. Witnesses who were present during the incident were interviewed and provided statements. However, Officer Miguel Ruiz was the only police officer who was willing to grant an interview and provide a statement.

I have thoroughly reviewed the investigation and discussed it at length with investigators and senior prosecutors in my office. The circumstances and evidence set forth in this letter are just a summary of the much-more detailed information provided in the full investigation report provided along with this letter. My conclusions are as follows:

Summary

On November 5, 2023, at approximately 0121 hrs, the Ogden Police Department received a 911 call from Mahteah Yosino reporting that her brother Matias Yosino had a gun and was making threats toward her and her girlfriend. It was later learned that Matias had

become intoxicated and had gotten into a verbal argument with Mahteah over ongoing relationship issues. This argument escalated when Matias retrieved a handgun from his bedroom and threatened Mahteah with it. Police responded to the scene, where they confronted Matias coming out of his home. Matias was armed with what appeared to be a handgun. Seven police officers from Ogden City Police were present at the scene, all yelling commands at Matias to put the gun down. Matias ignored these commands, told officers to shoot him, and pointed his weapon at the officers. All seven officers discharged their firearms at Matias, and he was struck ten times. Matias was pronounced dead at the scene. The handgun that Yosino was wielding was found next to his body. Due to its very realistic appearance, investigators initially believed it to be a real firearm. However, on further examination it turned out to be some type of pellet gun or airsoft gun. The medical examiner determined that Matias had a blood alcohol content of .228.

Investigation findings

Mahteah Yosino. While Mahteah refused to provide a statement, she did call 911. In that call, she told the police dispatcher that her brother came home drunk and kept getting into her face, so she kicked him out of her room. He returned to his room and got his gun. He was waving it around making threats. Matias told her that if she called the police he would “handle it himself and take himself out.” On the 911 call, Mahteah told the dispatcher that she thought the gun was a .45 caliber. In listening to the 911 call, Matias could be heard in the background yelling, “Did you call them?” Mahteah said no, and Matias said “Why? I want to die, I want to fucking die!” “You are the one who always told me to kill myself!” “You are fucking poison!” Matias was banging something and then yelled “You are crazy, but I know that I am not!” “You made me like this, this is your fault!” Matias then went outside where he was confronted by police.

Sara Brinkley. Mahteah’s friend Sara Brinkley was spending the night at the home, and she was present when Matias came home apparently intoxicated. Sara provided a statement to the police. Sara said that Matias had left earlier in the evening to go be with some friends. She and Mahteah had fallen asleep around 10 pm. Around 1 am, Matias came “busting” into the door announcing that he was drunk. This made Mahteah angry so she kicked him out and slammed the door. This caused the situation to escalate with Matias going into his room getting his gun, coming back and forcing his way into the room. Matias was calling Mahteah a “bitch”, and calling Sara a “little slut.” Sara said that Matias then hit her. That is when they decided to call the police. Sara said that she and Mahteah were outside when they heard the police arrive. They heard the police say “Put the gun down!” at least two times before shots were fired. Sara said at the time she thought Matias had fired his gun toward police.

Max Pedersen. Matias' friend Max Pedersen (whose biological name is Melia Pedersen) also provided a statement. Max had been staying at the house, but was not at the house during the shooting. Max was at the house when Matias left. According to Max, when Matias came back he was highly intoxicated but in a good mood. Max said Matias went to talk to his sister and that is when "he snapped." The two were yelling about some family issues that he was not familiar with. Max said that Matias was, "going nuts, punching the walls." Max did not know Matias had any guns. When they were outside Matias knew the police had been called and he was saying he was not going down without a fight. Max did not want to see what was going to happen so he left before the police showed up.

The call was dispatched as a man with a gun call, and several officers responded. While Officer Ruiz was the only police officer to provide a statement, investigators were able to rely heavily on body and dash cam footage from the other officers in determining exactly what took place.

Officer Anthony Sanchez. Officer Sanchez was in full uniform and appeared to be the first to arrive on the scene. He parked his patrol vehicle quite a distance away from the address, so he walked into the area on foot. He had his patrol rifle as his primary weapon. Sanchez first encountered Matias, while Matias was near the front door of his residence. Sanchez was west of the house on the street just east of the corner. Apparently Officer Sanchez saw Matias near the home because he commanded him to show his hands. During the initial encounter Matias is not visible on the body cam footage, but could be audibly heard on the recording. When Sanchez gave the command, Matias asked, "Who is that?" Sanchez says, "Ogden City Police, show me your hands." Followed by "Stop, show me your hands!" Sanchez then gives a warning "You are going to get shot!" Matias who is still off camera screen can be heard saying, "Give it to me mother fucker!" As other officers begin to arrive, Sanchez tells one of the officers, "I can't tell what is in his hands, he is pointing it!" Matias could be heard saying, "Fuck it I am ready!" Around this time, Matias comes into view on Sanchez' body cam, and appears to be in a shooting stance pointing something toward other officers. After several commands to drop the weapon from several officers, a shot was fired, followed by Sanchez firing his duty weapon. During this volley of shots, Officer Sanchez fired his .223 rifle. It was determined that Sanchez was approximately fifteen yards away from Yosino when he fired. A bullet count was done on Sanchez's weapon. One cartridge was in the chamber with twenty four (24) cartridges in the magazine. It appears that Sanchez possibly fired 3 times. This count was complicated because Sanchez refused to answer how many rounds he normally carries in this weapon, so investigators had to speculate based on the "normal" carry procedure.

Officer Brittany Bourne. Officer Bourne was in full police uniform and arrived in a marked patrol car. She appears to be the second officer to arrive. She runs up near Officer Sanchez by the tree. It is apparent that Officer Bourne sees Matias with a gun because she announces to Sanchez, "He has a gun, I am shooting!" This is supported by her body cam footage which shows Matias in a shooting stance pointing the weapon. However, she does not fire at that moment but gives Matias a second command to drop the gun. She eventually fires her handgun around the same time that other officers near her do. It was determined that Bourne was approximately fifteen yards away from Yosino when she fired. Because Bourne refused to speak with investigators we cannot say for certain how many times she fired. However, a bullet count was done on Bourne's handgun. There was one cartridge in the chamber with ten (10) cartridges in the magazine. It appears that Bourne fired seven (7) times.

Officer Dylan Aeschliman. Officer Aeschliman was in full police uniform and was driving a marked patrol car. It appears that he is third on the scene. He is in a marked patrol car with his emergency lights activated. On the body camera footage, Aeschliman exits his vehicle but the sound is not activated. He moves to the rear of his patrol vehicle. Matias is not visible on the camera due to the vehicle being in the way, and the audio is not active either. Officer Aeschliman is standing to the right of the other two officers listed above. In the video, smoke can be seen coming from Aeschliman's firearm around the same time as the other officers are firing. This would indicate that Officer Aeschliman fired his weapon. He also told his superior officers with the Ogden Police Department that he fired his weapon. It was determined that Aeschliman was approximately thirty yards away from Yosino when he fired. As Aeschliman and other officers are walking up to where Matias was shot, his body cam clearly shows Matias' gun on the ground next his body. A bullet count was done on Aeschliman's weapon. There was one cartridge in the chamber with eleven (11) cartridges in the magazine. It appears that Aeschliman fired six (6) times.

Officer Katelyn Abrego. Officer Abrego was in full police uniform and was driving a marked patrol car. She appears to be the next officer to arrive. Officer Abrego tells Matias to drop the gun two different times. Officer Cufau comes up beside her and she tells him "he has a gun." Matias cannot be seen on Abrego's body camera because she was standing behind a police vehicle. Abrego fires her weapon around the same time as the others do. It was determined that Abrego was approximately thirty yards away from Yosino when she fired. A bullet count was done on Abrego's handgun. There was one cartridge in the chamber with thirteen (13) cartridges in the magazine. It appears that Abrego fired four (4) times.

Officer Miguel Ruiz. Officer Ruiz was in full police uniform and was driving a marked patrol car. He appears to arrive right after Officer Abrego. On body camera Officer Ruiz runs up to the other officers and appears to see Matias pointing the gun in his direction because he says aloud “Oh shit!” and at the same time is ducking behind a police vehicle. Matias cannot be seen on the video because of Ruiz’s position behind the car. Fortunately however, Ruiz was willing to provide a statement to investigators on what he saw and did.

On November 20, 2023, Officer Ruiz came into the Weber County Attorney’s Office accompanied by his FOP Attorney and provided the following information. Ruiz was on a separate call when this incident came in. This particular address is in Ruiz’s assigned patrol area; however, because he was assigned to another incident at the time he was not dispatched to it. As the call was coming in, the dispatcher was updating the responding units with information being gathered from the 911 call. The dispatcher was providing information to the officers that at this residence there was a disturbance involving a man with a gun. Ruiz said he finished what he was doing and decided to head in that direction. As Ruiz got into the neighborhood, he heard another officer who was already on scene announce “expedite!” on the radio. As he arrived at the scene, he saw other officers already there. He said he was not sure what the other officers were encountering, if they were fighting someone or what exactly the situation was. As Ruiz arrived at the scene, he exited his car and saw Matias in the roadway pointing a gun at him. Ruiz said he thought, “Oh crap!” and ducked behind a police vehicle. Ruiz said that when he saw the gun being pointed at him he had a weird sensation that he was expecting to be hit by a bullet.

Ruiz got behind cover, removed the handgun from his holster, took a quick peek around the car and saw Matias still holding the gun, but now it was pointed at other officers. He then heard a gunshot and thought Matias was the one firing, so he returned fire. He fired once and saw Matias fall to the ground. It was determined that Ruiz was approximately thirty yards away from Yasino when he fired. Ruiz said that he feared for his life and the lives of his fellow officers, and he believed that he needed to take action to prevent one of his fellow officers from being shot or killed.

A bullet count was done on Ruiz’s handgun. There was one cartridge in the chamber with sixteen (16) cartridges in the magazine. It appears that Ruiz fired one (1) round.

Officer Tyler Griffin. Officer Griffin was in full police uniform and was driving a marked patrol vehicle. It is undetermined when he arrived on the scene compared to the other officers. Griffin had not activated his body camera until well after the incident was over. This, coupled with his refusal to provide a statement to investigators, creates some difficulty in determining exactly what Griffin knew or did. It can be assumed, based on

the proximity of the shell casings from his firearm, that he was standing near the other officers when he fired. Given his location and all of the additional evidence in this case, it is also reasonable to assume that he saw Matias in the street pointing a gun at officers. He told other officers that he had fired his .223 caliber patrol rifle. It was determined that Griffin was approximately thirty yards away from Yosino when he fired. A bullet count was conducted on his rifle. There was one cartridge in the chamber with twenty-four (24) cartridges in the magazine. It appears as if he fired three (3) times.

Officer Bradyn Cufaude. Officer Cufaude was in full police uniform and arrived at the scene in a marked patrol car; however, he parked away from the scene and ran in on foot. He was the last to arrive based on his body camera footage. He ran up behind Officer Abrego and asked, “Does he have a gun?” Abrego said “Yes.” Officer Cufaude clarifies, “That is a gun?” To which Abrego responds, “Yes.” It appears that Cufaude then fires his weapon. It was determined that Cufaude was approximately thirty yards away from Yosino when he fired. A bullet count was conducted on Cufaude’s handgun. There was one cartridge in the chamber and thirteen (13) cartridges in the magazine. It appears that he fired four (4) times.

Analysis

Pursuant to Utah Code Section 76-2-404(2) “The defense of justification applies to the use of deadly force by an officer . . . when: (c) the officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect.” In *Graham v. Conner*, 490 U.S. 386 (1989), the United States Supreme Court instructed that “reasonableness” for law enforcement officers must be assessed objectively, in light of a “reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” *Id.* At 396 (internal citations omitted). The *Graham* court also explained that “The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” *Id.* At 397.

In this case officers were called out to a “man with a gun” call. It was reported that the individual (Matias Yosino) had recently threatened his sister and her friend with a gun, which was described as a .45 caliber handgun. The 911 caller (Mahteah Yosino) also reported that Matias was intoxicated, and that he told her that if she called the police he would “handle it himself and take himself out.” Matias could be heard shouting in the background that he was unhappy about Mahteah calling police. At the same time he was making suicidal comments.

Several officers arrived on scene driving clearly marked police vehicles. At least one of the vehicles had its emergency lights flashing. All officers were wearing clearly marked police uniforms. It is clear that Matias Yosino was carrying a very realistic replica of a handgun when officers encountered him in front of his home. Multiple officers shouted commands for Matias to “drop the gun.” At least one officer shouted “Ogden City Police, show me your hands!” and “stop, show me your hands!” When he refused to drop his gun, the officer warned him that he was going to get shot. Rather than drop the weapon, Matias shouted back “give it to me mother fucker!” He then took a shooting stance and continued pointing the gun at different officers as they shouted for him to drop the gun. Matias responded “fuck it, I am ready!” All officers appeared to be within approximately fifteen to thirty feet from Matias before any shots were fired. It is evident from all the facts and circumstances that Matias knew the people he was confronting were police officers. Eventually officers opened fire on Matias after he continued to point the gun at them and ignored their commands to drop the weapon.

In his statement Officer Ruiz explained that he could clearly see Yosino pointing the gun at him and at other officers. Yosino was refusing to drop the gun despite many lawful commands to do so. Ruiz stated that he thought he was going to get shot. Ruiz said that he feared for his life and the lives of his fellow officers, and he believed that he needed to take action to prevent one of his fellow officers from being shot or killed. We conclude that Officer Ruiz was justified in his use of force because it was reasonable under these circumstances for him to believe that the use of deadly force was necessary to prevent death or serious bodily to himself or other officers.

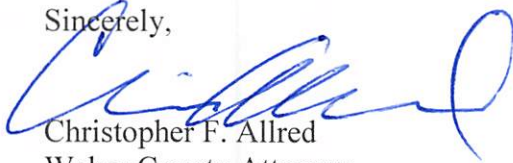
Because none of the other officers provided a statement, we are left to draw reasonable inferences from the totality of the circumstances in order to determine whether their use of force was justified under the law. Fortunately we have Officer Ruiz’ statement in addition to a great deal of physical and circumstantial evidence to assist us in our determinations. A thorough review of the evidence including body/dash cam footage, 911 call, dispatch recordings, witness statements, bullet counts, full Faro 3D scan of the crime scene, etc. leads us to certain conclusions applicable to all involved officers. For instance, it is reasonable to infer that officers were aware of the nature of the situation they were about to encounter because dispatch called it out as “a man with a gun.” We know that all officers were within approximately fifteen to thirty feet from Yosino when shots were fired, so they were certainly close enough to see and hear what was going on. We can reasonably infer from all the evidence that each officer would have seen Yosino pointing a gun at officers and refusing commands to drop the weapon. Therefore we can reasonably infer that, like Officer Ruiz, the other officers reasonably believed deadly force was necessary to prevent death or serious bodily to themselves, their fellow officers, and/or nearby residents.

CONCLUSION

An objective evaluation of all of the circumstances and evidence in this case supports the conclusion that it was reasonable for Officers Abrego, Cufau, Ruiz, Aeschlimann, Bourne, Griffin, and Sanchez to believe that deadly force was necessary to prevent death or serious bodily injury to the officers or others, including local residents. Therefore, we conclude that all of these officers were justified in their use of deadly force.

Please feel free to call me if you would like to discuss this further.

Sincerely,



Christopher F. Allred
Weber County Attorney